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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, A. D. 1943

No. 1095 142

LELAND H. CAMERON,
Petitioner,

vs.

CIVIL AERONAUTICS BOARD,
Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT, AND BRIEF IN SUPPORT OF PETITION.

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CIVIL AERONAUTICS BOARD,

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PETITION FOR WRIT OF CERTIORARI.

MAY IT PLEASE THE COURT:

The petitioner, Leland H. Cameron, respectfully petitions this Honorable Court for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

Statement of the Matter Involved.

Two issues are presented to this Court:

(1) Has the Civil Aeronautics Board power to suspend an airline transport pilot certificate for alleged violation of Civil Air Regulations by a pilot flying for the army and in compliance with army instructions?

(2) If the Civil Aeronautics Board has such power, is its finding supported by substantial evidence?

Upon charges presented by the Administrator of Civil Aeronautics, the Civil Aeronautics Board, upon the record which is filed in this Court, found that the petitioner, who at the time was flying an army plane for the army, violated civil air regulations in a landing at Indianapolis, and ordered his certificate "restricted for an aggregate period of thirty days," with a provision that: "During such time Respondent [petitioner here] shall be permitted to pilot aircraft only while engaged in experimental work directly under the orders and control of the War Department" (R. 3).

On review under Title 49, section 646, of the United States Code, the United States Circuit Court of Appeals, by judgment entered Feb. 4, 1944 (R. 40), affirmed the order of the Civil Aeronautics Board. A petition for rehearing was denied March 14, 1944 (R. 40).

This Court has Jurisdiction.

The judgment and decree of the Circuit Court of Appeals affirming the order of the Civil Aeronautics Board is expressly made subject to review by this Court upon certiorari (U. S. Code, Title 49, section 646, paragraph (f)).

The Questions Presented.

The questions presented to this Court are:

(1) Is petitioner subject to discipline by the Civil Aeronautics Board if flying for the army and in compliance with army instructions?

(2) Is there substantial evidence supporting the finding of the Civil Aeronautics Board, if that Board has authority?

Reasons relied upon for Allowance of Writ.

Petitioner contends that:

(1) The only evidence in the record upon the issue shows that he was flying for the army and in compliance with army instructions;

(2) The finding of the Civil Aeronautics Board is not supported by substantial evidence; and where, as here, the finding is based on written evidence, both the Circuit Court of Appeals and this Court may determine whether such evidence has "rational probative force." The question also presents itself as to evidence necessary to penalize a person for what counsel below alleged to be "almost criminal" conduct.

Respectfully submitted,

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Attorneys for Petitioner.